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Docket No. CRD5046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald K. Jones  
Juan A. Lorenzo  
Mark L. Pomeranz  
Darren Sherman

Serial No. : 10/738,477 Art Unit: Unknown

Filed : December 17, 2003 Examiner: Unknown

For : Activatable Bioactive Implantable Medical Device And Method Of Use

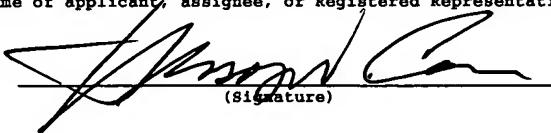
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August 4, 2004

(Date of Deposit)

Henry W. Collins

(Name of applicant, assignee, or Registered Representative)



A handwritten signature of Henry W. Collins.

August 4, 2004

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
  - In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
  - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

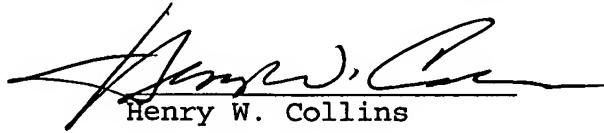
The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD5046/HWC. This form is submitted in triplicate.

Respectfully submitted,



Henry W. Collins  
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DATED: August 4, 2004



**SUBMISSION UNDER MPEP 609 D**

Page 1 of 1

<i>Application Number</i>	10/738,477
<i>Filing Date</i>	December 17, 2003
<i>First Named Inventor</i>	Donald K. Jones, et al.
<i>Group Art Unit</i>	Unknown
<i>Examiner Name</i>	Unknown
<i>Attorney Docket Number</i>	CRD5046

#### **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered	
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PTO/SB/08A (08-00)  
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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4

<i>Application Number</i>	10/738,477
<i>Filing Date</i>	December 17, 2003
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### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,994,069		Mark Ritchart, et al.	2-19-1991	
		5,108,407		Glen K. Geremia, et al.	4-28-1992	
		5,122,136		Guido Guglielmi, et al.	6-16-1992	
		5,226,911		U. Hiram Chee, et al.	7-13-1993	
		5,304,194		U. Hiram Chee, et al.	4-19-1994	
		5,334,210		Cesare Gianturco	8-2-1994	
		5,382,259		James J. Phelps, et al.	1-17-1995	
		5,639,277		Michael J. Mariant, et al.	6-17-1997	
		5,658,308		Edward J. Snyder	8-19-1997	
		5,669,931		David Kupiecki, et al.	9-23-1997	
		5,690,671		Erin McGurk, et al.	11-25-1997	
		5,749,894		Erik T. Engelson	5-12-1998	

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		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 4

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		Kind Code <sup>2</sup>	Number (if known)			
		5,750,585		Kinam Park, et al.	5-12-1998	
		5,853,418		Christopher G.M. Ken, et al.	12-29-1998	
		5,925,062		Phillip D. Purdy	7-20-1999	
		5,935,145		Francisco S. Villar, et al.	8-10-1999	
		5,976,162		Hanh Doan, et al.	11-2-1999	
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		6,024,754		Erik T. Engelson	2-15-2000	
		6,124,131		Gregg L. Semenza	9-26-2000	
		6,187,024	B1	Robert James Boock, et al.	2-13-2001	
		6,187,027	B1	Michael J. Mariant, et al.	2-13-2001	
		6,231,590	B1	Paul C. Staikeu, et al.	5-15-2001	
		6,280,457	B1	Michael P. Wallace, et al.	8-28-2001	

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Sheet 3 of 4

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		Number	Kind Code <sup>2</sup> (if known)			
		6,287,318	B1	Francisco S. Villar, et al.	9-11-2001	
		6,299,627	B1	Joseph C. Eder, et al.	10-9-2001	
		6,423,085	B1	Yuichi Murayama, et al.	7-23-2002	
		6,425,914	B1	Michael P. Wallace, et al.	7-30-2002	
		6,494,884	B2	Hanson S. Gifford, III., et al.	12-17-2002	
		6,602,261	B2	George R. Greene, Jr., et al.	8-5-2003	
		2002/0004681	A1	Clifford Teoh, et al.	1-10-2002	
		2002/0049503	A1	Michael Milbocker	4-25-2002	
		2002/0087184	A1	Joseph C. Eder, et al.	7-4-2002	
		2002/0120297	A1	John H. Shadduck	8-29-2002	
		2002/0151915	A1	Grant Hieshima, et al.	10-17-2002	
		2002/0193823	A1	Michael P. Wallace, et al.	12-19-2002	
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		2003/0093147	A1	Matthew F. Ogle, et al.	5-15-2003	

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STATEMENT BY APPLICANT**

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Sheet 4 of 4

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